

**REMARKS**

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

**Status of Claims**

Claims 1-24 are currently pending in the application, of which claims 1, 9, 15, 22, 23 and 24 are independent. Claims 1-24 were rejected.

**Summary of the Office Action**

Claims 1-24 were rejected 35 U.S.C. §102(a) as allegedly being anticipated by the article authored by Mukherjee et al. titled "Structured Scalable Meta-formats (SSM) version 1.0 for Content Agnostic Digital Item Adaptation" (hereinafter referred to as "the Mukherjee article").

The rejections of claims 1-24 are respectfully traversed for at least reasons set forth below.

**Drawings**

The indication that the Drawings submitted on November 26, 2003 have been approved is noted with appreciation.

**Claim Rejection Under 35 U.S.C. §102**

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed

combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

- **Claims 1-24**

Claims 1-24 were rejected 35 U.S.C. §102(a) as allegedly being anticipated by the Mukherjee article.

The enclosed Declaration under 37 C.F.R. §1.132 indicates that the relevant portions of the Mukherjee article relied upon in the 102(a) rejection of claims 1-24, including section 5.1.4 on pages 24 and 25 of the article, are the Applicants' own work. Furthermore, the Applicants' own work cannot be used to reject their invention under 35 U.S.C. §102(a). See MPEP Sections 715.01(c) and 716.10. Accordingly, the rejection of claims 1-24 under 35 U.S.C. §102(a) as allegedly being anticipated by the Mukherjee article must be withdrawn.

**PATENT**

Atty Docket No.: 200310818-1  
App. Ser. No.: 10/724,285

**Conclusion**

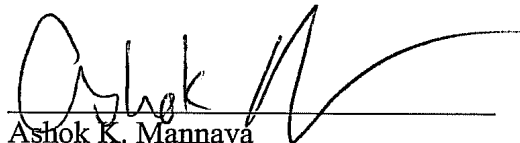
In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited. Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below.

Please grant any required extensions of time and charge any fees due in connection with this request to Deposit Account No. 08-2025.

Respectfully submitted,

Dated: July 6, 2009

By



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